

06-04-02

9D-HR-19406
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Holmes et al.

Serial No.: 09/754,600

Filed: January 5, 2001

For: REFRIGERATOR SYSTEM
AND SOFTWARE
ARCHITECTURE

Art Unit:

Examiner:

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**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
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I certify that documents listed below:

- ◆ Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, *in duplicate*)
- ◆ Part 2 - Copy of the Notice To File Missing Parts Of Nonprovisional Application (2 pages)
- ◆ An originally signed Declaration And Power Of Attorney of John S. Holmes, Robert M. Bultman, Wolfgang Daum, Richard Hornung and Rollie R. Herzog (3 pages)
- ◆ An originally signed Declaration And Power Of Attorney of Jerry J. Queen II (3 pages)
- ◆ Seventy-One (71) Sheets of Formal Drawings
- ◆ Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed. (1 page)
- ◆ Preliminary Amendment (23 pages)
- ◆ Submission of Marked Up Paragraphs (22 pages)
- ◆ Request For Approval Of Drawing Changes (2 pages), including 27 sheets of drawing sheets in permanent red ink for examination purposes.

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- ◆ Certificate Of Mailing By Express Mail (2 pages)
- ◆ Return Post Card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully Submitted,



Thomas M. Fisher, Reg. No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

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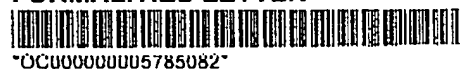
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/754,600	01/05/2001	John S. Holmes	9D-HR-19406- Holmes et al

CONFIRMATION NO. 3857

FORMALITIES LETTER



0C000000005785082

General Electric Company
Appliance Park, 2-225
Louisville, KY 40225

Date Mailed: 02/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

The following item(s) appear to have been omitted from the application:

- Page(s) 3 of the specification (description and claims).

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- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136 (a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.
- In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND PLACE SAME IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

Atty Dkt. No.: 9D-HR-19406 (13307-112)
Applicant: Holmes et al.
Serial No.: 09/754,600
Filed: January 5, 2001
For: REFRIGERATOR SYSTEM AND SOFTWARE ARCHITECTURE

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Enclosed:

Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, *in duplicate*); Part 2 - Copy of the Notice To File Missing Parts Of Nonprovisional Application (2 pages); An originally signed Declaration And Power Of Attorney of John S. Holmes, Robert M. Bultman, Wolfgang Daum, Richard Hornung and Rollic R. Herzog (3 pages); An originally signed Declaration And Power Of Attorney of Jerry J. Queen II (3 pages); Seventy-One (71) Sheets of Formal Drawings; Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed. (1 page); Preliminary Amendment (23 pages); Submission of Marked Up Paragraphs (22 pages); Request For Approval Of Drawing Changes (2 pages), including 27 sheets of drawing sheets in permanent red ink for examination purposes; Certificate Of Mailing By Express Mail (2 pages); Return Post Card

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